

McKinney,
Presler,
Rogers,

Sherrill.
Stafford,
Tips.

Nays—5.

Goss,
Harrison,
Smith,

Steele,
Woods.

Absent, excused.

McComb.

Absent, not excused.

Bowser,
Dean,
Greer,
Lawhon,

Shelburne.
Simpson.
Whitaker.

On motion of Senator Colquitt, Senate adjourned till tomorrow morning at 10 o'clock by the following vote:

Yeas—16.

Agnew,
Atlee.
Boren,
Colquitt,
Dibrell,
Dickson,
Gage,
Goss,

Lasker.
McKinney.
Presler,
Sherrill,
Smith,
Stafford,
Steele,
Woods.

Nays—8.

Bailey,
Beall,
Darwin,
Harrison,

Lewis,
Rogers,
Simpson,
Tips.

Absent, excused.

McComb.

Absent, not excused.

Bowser,
Dean,
Greer,

Lawhon,
Shelburne,
Whitaker.

EIGHTY-SECOND DAY.

Senate Chamber,
Austin, Texas, April 19, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,
Atlee,
Beall,
Boren,
Bowser,
Colquitt,
Darwin,
Dean,
Dibrell,
Dickson,
Gage,
Goss,
Greer,
Harrison,

Lasker,
Lawhon,
Lewis,
McKinney,
Presler,
Rogers,
Shelburne,
Sherrill.
Simpson,
Smith,
Stafford,
Steele,
Tips,
Woods.

Absent, excused.

McComb.

Absent, not excused.

Bailey,

Whitaker.

Prayer by Chaplain. Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Boren, the same was suspended.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, April 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Substitute House bills Nos. 85 and 91, a bill to be entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

All of which is respectfully submitted.
AGNEW, Chairman.

Committee Room,

Austin, Texas, April 18, 1895.

Hon. Geo. T. Jester, President of the Senate, and Hon. T. S. Smith, Speaker of the House of Representatives:

Your free conference committee on Senate bill No. 24 make the following report:

1. We recommend that the House recede from its first amendment.

2. That the following be adopted in place of the second House amendment: Strike out all after the word "entered" in line 25, and insert in place thereof the following: "Provided, the jury convicting shall say in their verdict whether the convict shall be sent to the penitentiary or to the reformatory."

All of which is respectfully submitted.

J. S. SHERRILL,
E. L. AGNEW,
W. L. HARRISON,
R. D. GAGE.

On part of the Senate.

R. W. MARTIN,
D. E. PATTERSON,
O'NEAL.

A. F. BRIGANCE.
J. M. McWILLIAMS.

On part of the House.

Senator Sherrill moved the adoption of the report.

Adopted.

Committee Room,
Austin, Texas, April 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 298, a bill to be entitled "An act to amend the act creating the Sixth Judicial District, and fixing the times for holding the terms of court therein, and to repeal all laws in conflict with this act,"

And find the same correctly engrossed.
GAGE, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Gage:

A bill to be entitled "An act for the relief of J. F. Newman, a purchaser at an escheat sale, made in Fisher county, Texas, June 3, 1890, providing for refunding to him the money paid upon said sale."

Read first time and referred to Committee on Claims and Accounts.

By Senator Sherrill:

A bill to be entitled "An act to amend an act entitled 'An act to amend article 4767 of the Revised Civil Statutes, regulating the fees of tax collectors,' approved April 17, 1883."

Read first time and referred to Committee on Finance.

Call concluded.

Senator Bowser moved to suspend regular order to take up

Senate bill No. 252, a bill entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents."

Lost by the following vote:

Yeas—11.

Beall,	Presler,
Bowser,	Rogers,
Darwin,	Sherrill,
Dean,	Stafford,
Greer,	Tips,
Harrison,	

Nays—15.

Agnew,	Lawhon,
Atlee,	Lewis,
Colquitt,	Shelburne,
Dibrell,	Simpson,
Dickson,	Smith,
Gage,	Steele,
Goss,	Woods,
Lasker,	

Absent, excused.

McComb.

Absent, not excused.

Bailey,	McKinney,
Boren,	Whitaker.

On motion of Senator Agnew, regular

order of business was suspended to take up

Senate bill No. 298, a bill to be entitled "An act to amend the act creating the Sixth Judicial District, and fixing the times for holding the terms of court therein, and to repeal all laws in conflict with this act."

Bill read second time and ordered engrossed.

On motion of Senator Agnew the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—27.

Agnew,	Lawhon,
Atlee,	Lewis,
Bailey,	McKinney,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Smith,
Dickson,	Stafford,
Gage,	Steele,
Goss,	Tips,
Harrison,	Woods,
Lasker,	

Nays—none.

Absent, excused.

McComb.

Absent, not excused.

Dibrell,	Whitaker.
Greer,	

Bill read third time and passed.

Senator Bowser moved to suspend regular order to take up

Senate bill No. 252, a bill entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents."

Senator Smith moved as a substitute to suspend regular order and take up

Senate bill No. 29, being a bill to be entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas,"

Carried by the following vote:

Yeas—24.

Atlee,	Lewis,
Bailey,	McKinney,
Beall,	Presler,
Bowser,	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Stafford,
Greer,	Steele,
Lasker,	Tips,
Lawhon,	Woods,

Nays—5.

Agnew,
Boren,
Gage,

Goss.
Harrison.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Bowser moved to reconsider the vote by which the substitute was adopted.

Senator Smith moved to table the motion.

Tabled.

Bill read second time with committee amendments.

Senator Agnew moved to adopt the committee amendments.

Adopted.

By Senator Smith:

Substitute for committee amendment No. 28 the following: Amend article 1531 by striking out therefrom the following words: "To the Supreme Court of Appeals in the same manner and form."

Adopted.

By Senator Sherrill:

Amend article 1000, title 27, chapter 13, so as to hereafter read as follows:

"Article 1000. The said courts, or any judge thereof, in vacation may issue the writ of mandamus to compel a judge of the district court, or a judge of the county court to proceed to trial and judgment in a cause agreeably to the principles and usages of law, returnable on or before the first day of the next term, or during the session of the same, or before any judge of the said court, as the nature of the case may require."

Adopted.

Bill ordered engrossed.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—25.

Agnew,
Atlee,
Beall,
Boren,
Colquitt,
Darwin,
Dean,
Gage,
Goss.
Greer.
Harrison,
Lasker.
Lawhon,

Lewis,
McKinney,
Presler,
Rogers,
Shelburne,
Sherrill,
Simpson,
Smith,
Stafford,
Steele,
Tips,
Woods.

Nays—1.

Dickson.

Absent, excused.

McComb.

Absent, not excused.

Bailey,
Bowser,

Dibrell.
Whitaker.

Bill read third time, and passed by the following vote:

Yeas—27.

Agnew.
Atlee,
Beall,
Boren,
Bowser.
Colquitt,
Dean,
Dibrell.
Dickson,
Gage,
Goss,
Greer.
Harrison,
Lasker,

Lawhon.
Lewis.
McKinney,
Pressler,
Rogers,
Shelburne,
Sherrill,
Simpson.
Smith,
Stafford,
Steele,
Tips,
Woods.

Nays—none.

Present, not voting.

Darwin.

Absent, excused.

McComb.

Absent, not excused.

Bailey,
Whitaker.

Senator Smith moved to reconsider the vote by which the bill was passed, and also reconsider the vote by which it was engrossed and to lay that motion on the table.

Tabled.

Senator Bowser moved to suspend regular order to take up

Senate bill No. 252, a bill entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents."

The motion was lost by the following vote (not receiving the necessary two-thirds):

Yeas—14.

Bailey,
Beall,
Boren,
Bowser,
Darwin,
Dean,
Dickson.

Harrison,
McKinney,
Presler,
Rogers,
Sherrill,
Stafford,
Tips.

Nays—13.

Agnew.
Colquitt,
Dibrell,
Gage.
Goss.
Greer,
Lawhon,

Lewis.
Shelburne,
Simpson,
Smith,
Steele,
Woods.

Absent, excused.

McComb.

Absent, not excused.

Atlee. Whitaker.
Lasker,

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 170, a bill entitled "An act to amend an act entitled 'An act to amend article 1054, chapter 2, title 15 of the Code of Criminal Procedure, as amended by an act of the Twenty-first Legislature, approved April 4, 1889, constituting chapter 93, General Laws of the State of Texas, 1891.'"

With House amendments.

House bill No. 665, a bill entitled "An act to amend section 1 of 'An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies and other corporations: to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of this act, and to repeal all laws and parts of laws in conflict therewith,' approved May 11, 1893."

House bill No. 703, a bill entitled "An act to amend section 1 of chapter 69 of the general laws passed by the Sixteenth Legislature of Texas, and approved March 26, A. D. 1879, entitled 'An act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1876, defining a lawful fence."

Also, the House has refused to adopt Senate amendments to substitute House bills Nos. 125 and 138, and asks for free conference committee on said bills.

Respectfully,

CHESTER HAILE, Chief Clerk.

Senator Agnew moved that the committee amendments to Senate bill No. 29 be not printed again in the Journal.

So ordered.

SPECIAL ORDER.

The Chair laid before the Senate

Senate bill No. 80, a bill entitled "An act to confirm and validate certain surveys of land made by virtue of certificates issued to persons permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States."

Action being upon the substitute offered by Senator Presler for Senator Smith's amendment, they being towit:

By Senator Smith:

Amend section 1 by adding thereto the following: "This act shall not be construed to validate patented surveys where the patentee has not sold and disposed of his title to such survey prior to January 13, 1895."

By Senator Presler:

Substitute the amendment to amend section 1 by adding the following: "Provided, that where title to such patented survey was on the first day of January, 1895, still in the patentee, and where the State has not alienated the corresponding section located for the public school fund, that such patents shall be canceled and patent in lieu thereof shall issue to such patentee, conveying to such patentee one-half of such tract; such patentee shall have the right to select the one-half of each tract to which he shall have title; and the remaining half of each such tract shall enure to the public free school fund. The partition made of such tract shall be fair and equitable, both to the patentee and to the State."

(Senator Stafford in the chair.)

Senator Presler withdrew his substitute, and offered the following in lieu thereof:

Amend section 1 by adding the following: "Provided, that where the patentee of such patented survey has not, prior to the first day of January, 1895, sold, mortgaged or otherwise alienated his title to such survey, and where the State has not sold the corresponding survey located for the public school fund, or where the patentee to such patented survey has not prior to the first day of January, 1895, had said survey enclosed and in his actual use and possession, either by himself or by tenant or lessee. That in all cases other than above specified the patentee, upon the taking effect of this act, shall surrender his patent heretofore issued him, and the same shall be cancelled, and patents in lieu thereof shall issue to such patentee conveying to him one-half of each survey located by virtue of his certificate; such patentee shall have the right to select the one-half of each such tract, to which he shall have title, and the remaining half of each such tract shall inure to the public free school fund; the partition made of such survey shall be fair and equitable, both to the patentee and the State."

Lost by the following vote:

Yeas—5.

Bowser, Sherrill,
Dibrell, Steele.
Presler,

Nays—17.

Atlee, Beall,
Bailey, Darwin,

Dean,	Shelburne.
Gage,	Simpson,
Goss,	Smith,
Greer,	Stafford,
Lawhon,	Tips.
Lewis,	Woods.
Rogers,	

Absent, excused.

McComb.

Absent, not excused.

Agnew,	Harrison,
Boren,	Lasker,
Colquitt,	McKinney,
Dickson,	Whitaker.

Senator Smith's amendment was then lost by the following vote:

Yeas—8.

Beall,	Smith,
Darwin.	Stafford,
McKinney,	Steele,
Sherrill,	Woods.

Nays—14.

Atlee,	Lawhon,
Bailey,	Lewis,
Dean,	Presler,
Dibrell,	Rogers,
Goss,	Shelburne,
Greer,	Simpson,
Lasker,	Tips.

Paired.

Yea. Nay.

Colquitt, Gage,

Absent, excused.

McComb.

Absent, not excused.

Agnew,	Dickson,
Boren,	Harrison,
Bowser,	Whitaker.

Bill was ordered engrossed by the following vote:

Yeas—16.

Atlee,	Lawhon,
Bailey,	Lewis,
Dean,	Presler,
Dibrell,	Rogers,
Dickson,	Shelburne,
Goss,	Simpson,
Greer,	Tips,
Lasker,	Woods.

Nays—8.

Beall,	Sherrill,
Bowser,	Smith,
Darwin,	Stafford,
McKinney,	Steele.

Paired.

Yea. Nay.

Gage, Colquitt.

Absent, excused.

McComb.

Absent, not excused.

Agnew,	Harrison,
Boren,	Whitaker.

IN SENATE.

House bill No. 703, being "An act to amend section 1 of the general laws passed by the Sixteenth Legislature of Texas, and approved March 26, 1879, entitled 'An act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1876, defining a lawful fence."

Read first time and referred to Committee on Agricultural Affairs.

On motion of Senator Bowser regular order of business was suspended to take up

Senate bill No. 252, a bill entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents."

Senator Smith moved to reconsider the vote by which the regular order of business was suspended to take up the bill.

Lost.

Bill read second time.

By Senator Atlee:

Strike out all of lines 22, 23 and 24 after word "reversed," and insert in lieu, "if it appear from the record that substantial injury may have resulted to the defendant."

Adopted.

By Senator Presler:

"The near approach of the close of the present session, and the great number of bills pending, renders it impossible that this bill can be read upon three several days, and the necessity for amendment of our criminal law as attained by this bill creates a public demand and a public necessity that the constitutional rule requiring bills to be read upon three several days be suspended."

Adopted by the following vote:

Yeas—16.

Atlee,	Gage,
Beall,	Greer,
Boren,	Lasker,
Bowser,	Presler,
Colquitt,	Rogers,
Darwin,	Stafford,
Dean,	Steele,
Dibrell,	Tips.

Nays—10.

Agnew,	Lewis,
Bailey,	Shelburne,
Dickson,	Simpson,
Goss,	Smith,
Lawhon,	Woods.

Present, not voting.

McKinney.

Absent, excused.

McComb.

Absent, not excused.

Harrison,

Whitaker.

Sherrill,

Bill was ordered engrossed by the following vote:

Yeas—17.

Atlee,	Greer,
Bailey,	Lasker.
Beall,	McKinney,
Boren,	Presler,
Bowser,	Rogers.
Colquitt,	Stafford,
Darwin,	Steele,
Dibrell,	Tips.
Gage,	

Nays—8.

Agnew,	Lewis,
Dickson,	Shelburne,
Goss,	Simpson,
Lawhon,	Smith.

Paired.

Yea.

Nay.

Sherrill,

Woods.

Absent, excused.

McComb.

Absent, not excused.

Dean.

Whitaker.

Harrison,

Senator Bowser moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put upon its third reading and final passage.

Lost by the following vote (requiring four-fifths):

Yeas—17.

Atlee,	Lasker,
Bailey,	McKinney,
Beall,	Presler,
Boren,	Rogers.
Bowser,	Sherrill,
Colquitt,	Stafford,
Darwin,	Steele,
Gage,	Tips.
Greer,	

Nays—11.

Agnew,	Lewis,
Dean,	Shelburne,
Dibrell,	Simpson,
Dickson,	Smith,
Goss,	Woods.
Lawhon,	

Absent, excused.

McComb.

Absent, not excused.

Harrison,

Whitaker.

Senator Beall called up

Senate bill No. 170, a bill entitled "An act to amend an act entitled 'An act to amend article 1054, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act of the Twenty-first Legislature, approved April 4, 1889,' constituting chapter 93, general laws of the State of Texas, 1891,"

With House amendments thereto, and moved that the Senate concur in said amendments.

Concurred.

On motion of Senator Colquitt, Committee Clerk Cox was excused for tomorrow on account of sickness in his family.

On motion of Senator Woods, Senator Sherrill was excused for this evening and tomorrow on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred

House bill No. 703, a bill to be entitled "An act to amend section 1 of chapter 69 of the general laws passed by the Sixteenth Legislature of Texas, approved March 26, 1879, entitled, 'An act to amend sections 6 and 9 of an act to define a lawful fence, and to carry into effect sections 22 and 23, article 16, of the Constitution of the State of Texas, authorizing the passage of stock and fence laws,' approved August 15, 1876, defining a lawful fence,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ROGERS, Chairman.

Committee Room,

Austin, Texas, April 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 677, a bill to be entitled "An act to amend an act to designate what counties shall compose the Twentieth Judicial District of the State of Texas, to fix the time of holding courts therein, approved March 30, 1887, at the regular session of the Twentieth Legislature, amended February 15, 1889, March 5, 1889, amended by the acts of the regular session of the Twenty-third Legislature, approved April 26, 1893," so that the same shall hereafter read as follows,"

Have had the same under considera-

tion, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

ATLEE, Chairman.

On motion of Senator Smith, Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Lawhon,
Atlee,	Lewis,
Bailey,	McKinney,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Simpson,
Dean,	Smith,
Dibrell,	Stafford,
Goss,	Steele,
Greer,	Tips,
Lasker,	Wood,

Absent, excused.

McComb.

Absent, not excused.

Darwin,	Harrison,
Dickson,	Sherrill,
Gage,	Whitaker.

Senator Beall, rising to a question of personal privilege, said:

Mr. President: I am reluctant to revive before the Senate an unpleasant matter. I had hoped that the mutual explanations of yesterday would drop the curtain upon the unfortunate events of the day preceding. Although the report as contained in yesterday's San Antonio Express and Galveston and Dallas News was grossly distorted and incorrect, bearing scarcely a semblance to a truthful statement of what actually occurred, I was not disposed to complain, for I recognize it as peculiarly within the province of these papers to present prejudiced and partial reports of any occurrence connected with the consideration of the anti-trust bill. The following, however, from today's issue of these papers, being directly personal, in my opinion merits attention and correction. This report says: "Atlee, on a question of privilege, explained his action in adjourning the Senate last night. After explaining his acts, referred to an expression last night of a Senator in the excitement using the word 'infamous,' and wanted to know now if the Senator now insists upon that term."

"Senator Beall was, he stated, willing to accept the explanation. Having used the language 'infamous outrage,' was now willing to concede the President pro tem. was correct in declaring the Senate adjourned."

In two respects this creates a false impression. It would indicate that the explanation made by myself was made in response to a demand that I should either repeat or retract the statement above referred to. There was no such demand, and no explanation was made or would have been made in answer to anything in the nature of a demand. Between Senator Atlee and myself there now exists the kindest feeling, which I trust may continue.

Again, this "report" says that I was "now willing to concede that the President pro tem. was correct in declaring the Senate adjourned." I made no such statement or concession, and what I said could not have been so understood or construed. I stated then as I state now, that the ruling was grievously wrong. I stated that accepting Mr. Atlee's declaration that he heard no Senator from his seat call for the "yeas and nays," he was technically correct from his standpoint in putting the motion to adjourn to a viva voce vote, but as a matter of fact he was wrong in so doing, because there was a proper demand from a large number of Senators that the roll should be called.

I regret the necessity for even a brief reference to this matter again, but it appears that there is a determined effort upon the part of a portion of the daily press of this State to suppress a fair and true statement of facts as they occurred, and to studiously present to the people an account that is unfair, unjust and untrue.

IN SENATE.

House bill No. 665, a bill entitled "An act to amend section 1 of 'An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies, and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of this act; and to repeal all laws and parts of laws in conflict therewith,' approved May 11, 1893."

Read and referred to Committee on Finance.

On motion of Senator Rogers, Journal Clerk W. B. O'Quinn was excused for this evening and tomorrow, on account of sickness.

On motion of Senator Boren, Senator Dickson was excused this afternoon and

tomorrow, on account of important business.

On motion of Senator Rogers, Committee Clerk Jester was excused for last Tuesday and Wednesday, on account of important business.

On motion of Senator Beall, Senator Harrison was excused for this evening and tomorrow, on account of important business.

The Chair laid before the Senate

Senate bill No. 79, a bill entitled "An act to amend section 5 of chapter 15 of the acts of the called session of the Twenty-second Legislature of the State of Texas, defining the appellate jurisdiction of the Courts of Civil Appeals."

On motion of Senator Greer, regular order of business was suspended to take up

Senate bill No. 284, a bill entitled "An act to amend sections 1, 2, 3, 4, 5, 7, 8 and 9 of an act passed by the Twenty-first Legislature, approved April 5, 1889, and to repeal section 17 thereof, being an act relating to the liens of mechanics, contractors, subcontractors, builders, laborers and material men."

Bill read second time, with committee amendment.

Committee amendment adopted.

By Senator Greer:

Amend the caption by striking out the words "and to repeal section 17 thereof."

Adopted.

Pending action,

Senator Lawhon called up and withdrew the following resolution:

Resolved, That the resolution of the Senate adopted at a previous session, devoting the afternoon session to the consideration of the general appropriation bill and other revenue bills, be rescinded.

Action recurred to consideration of Senate bill No. 284.

By Senator Lewis:

Amend by adding to section 1 the following: "The word 'improvement' as used herein, shall be construed so as to include wells, cisterns, tanks, reservoirs or artificial pools or lakes made for supplying or storing water, oil, and all pumps, syphons, wind mills or other machinery or appliances used for raising water for stock, domestic use, or for irrigation purposes."

Adopted.

By Senator Greer:

Amend by striking out the figure "2" in the caption and enacting clause.

Adopted.

By Senator Simpson:

Amend by striking out "or" in line 24, section 1, and inserting "on" in lieu thereof.

Adopted.

By Senator Tips:

Amend section 4, line 26, page 2, by inserting after the word "used" the word "and."

Adopted.

By Senator Goss:

Amend section 3, page 2, by adding after the word "accrued" in line 7 the word "may."

Adopted.

Bill ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—21.

Agnew,	Lewis,
Atlee,	Presler,
Beall,	Rogers,
Boren,	Shelburne,
Bowser,	Simpson,
Colquitt,	Smith,
Dean,	Stafford,
Dibrell,	Steele,
Goss,	Tips,
Greer,	Woods.
Lawhon,	

Nays—none.

Absent, excused.

Dickson,	McComb.
Harrison,	

Absent, not excused.

Bailey,	McKinney,
Darwin,	Sherrill,
Gage,	Whitaker.
Lasker,	

Bill read third time, and passed by the following vote:

Yeas—22.

Agnew,	Lawhon,
Atlee,	Lewis,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Simpson,
Dean,	Smith,
Dibrell,	Stafford,
Goss,	Steele,
Greer,	Tips,
Lasker,	Woods.

Nays—none.

Absent, excused.

Dickson,	McComb.
Harrison,	

Absent, not excused.

Bailey,	McKinney,
Darwin,	Sherrill,
Gage,	Whitaker.

Senator Greer moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

By consent the following bill was sent up:

By Senator Tips (by request):

A bill to be entitled "An act relative to bonds and other obligations, with surety or sureties, and the acceptance as surety thereon of companies qualified to act as such, and the release of such surety, and the safe depositing of assets for which such surety may be liable, and the charging by fiduciaries of the expense of procuring sureties."

Read first time and referred to Committee on State Affairs.

On motion of Senator Shelburne, the regular order was suspended to take up

Senate bill No. 201, a bill entitled "An act to provide for the construction and maintenance of ditches, drains and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas."

Senator Lasker moved to substitute for this bill,

House bill No. 549, being a bill to be entitled "An act to provide for the construction and maintenance of ditches, drains and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas."

Substituted.

Bill read second time and passed to a third reading.

On motion of Senator Lasker, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—22.

Agnew,	Lawhon,
Atlee,	Lewis,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Simpson,
Dean,	Smith,
Dibrell,	Stafford,
Goss,	Steele,
Greer,	Tips,
Lasker,	Woods.

Nays—none.

Absent, excused.

Dickson,	McComb,
Harrison,	Sherrill.

Absent, not excused.

Bailey,	McKinney,
Darwin,	Whitaker.
Gage,	

Bill read third time, and passed by the following vote:

Yeas—22.

Agnew,	Lawhon,
Atlee,	Lewis,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Shelburne,
Colquitt,	Simpson,
Dean,	Smith,
Dibrell,	Stafford,
Goss,	Steele,
Greer,	Tips,
Lasker,	Woods.

Nays—none.

Absent, excused.

Dickson,	McComb.
Harrison,	Sherrill.

Absent, not excused.

Bailey,	McKinney,
Darwin,	Whitaker.
Gage,	

The Chair gave notice of signing, and did sign, after the captions had been read.

Senate bill No. 275, "An act to incorporate the city of Sherman, in Grayson county, Texas, and fix the boundaries thereof, and to provide for its government and the management of its affairs."

On motion of Senator Rogers, regular order of business was suspended to take up

Senate bill No. 66, a bill entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-third Legislature, chapter 83, page 109."

Question being on the engrossment of the bill.

By Senator Rogers:

Amend by adding section 48, as follows: "For the organization of laborers, working men, wage earners and farmers to protect themselves in their various pursuits."

Adopted.

Senator Smith called up the motion to reconsider the vote adopting the amendment offered by Senator Presler, to-wit: "Amend subdivision 37 by adding the following: 'Provided, that guarantee or fidelity companies organized under the provisions of this section shall at all times keep on deposit with the Secretary of State not less than fifty thousand dollars in available cash assets, and that this amount be kept intact at all times.'"

The motion to reconsider was lost by the following vote:

Yeas—9.

Colquitt,	Shelburne,
Darwin,	Simpson,
Dibrell,	Smith,
Lawhon,	Tips.
McKinney,	

Nays—15.

Agnew,	Lasker,
Atlee,	Lewis,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Stafford,
Dean,	Steele.
Goss,	Woods.
Greer,	

Absent, excused.

Dickson,	McComb,
Harrison,	Sherrill.

Absent, not excused.

Bailey,	Whitaker.
Gage,	

By Senator Smith:

Amend by adding subdivision 48:

"The stockholders of all private corporations created under the provisions of this act shall be required to subscribe and pay for at least fifty per cent of its authorized capital before it shall be authorized to do business in this State; and whenever the stockholders of any such company shall furnish satisfactory evidence to the Secretary of State that at least fifty per cent of its authorized capital has been so subscribed and paid for, it shall be the duty of said officer to receive, file, and record the charter of such company in the office of the Secretary of State upon application and a payment of all fees therefor, and to give his certificate showing the record of such charter, and authority to do business thereunder."

By Senator Lasker:

Amend the amendment by striking out 50 per cent and inserting in lieu thereof 10 per cent.

Withdrawn.

By Senator Lasker:

Amend the amendment by striking out the words "to subscribe and pay for at least fifty per cent of its authorized capital," and insert in lieu thereof "ten per cent subscribed of the capital."

By Senator Goss:

Substitute for the amendment and amendment to the amendment:

"The stockholders of all private corporations created under the provisions of this act shall be required to subscribe at least fifty per cent and pay in at least twenty per cent of its authorized capital before it shall be authorized to do business in this State; and whenever the stockholders of any such company shall furnish satisfactory evidence to the Secretary of State that at least fifty per cent of its capital has been subscribed and twenty per cent paid in, it shall be the duty of said officer to receive, file and record the charter of such company in the office of the Secretary of State upon

application and the payment of all fees thereof, and to give his certificate showing the record of such charter, and authority to do business thereunder."

Pending action, by consent

Senator Tips moved that

House joint resolution No. 18, "To amend section 4 of article 7 of the Constitution of the State of Texas,"

Be made special order for next Monday after call.

So ordered.

On motion of Senator Simpson, Senator Whitaker was excused for non-attendance for this week up to this afternoon, on account of important business.

On motion of Senator Lawhon, Senate adjourned till 10 a. m. tomorrow.

EIGHTY-THIRD DAY.

Senate Chamber,

Austin, Texas, April 20, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Lasker,
Atlee,	Lawhon,
Bailey,	Lewis,
Beall,	McKinney.
Boren,	Presler,
Bowser,	Rogers.
Colquitt,	Shelburne,
Darwin,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Gage,	Tips,
Goss,	Whitaker,
Greer,	Woods.

Absent, excused.

Dickson,	McComb,
Harrison,	Sherrill.

Absent, not excused.

Stafford.

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Woods, the same was suspended.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas. April 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 665, a bill to be entitled "An act to amend section 1 of 'An act to fix the rate of taxation on insurance companies, telephone companies, sleep-